

**Federal Defenders**  
**OF NEW YORK, IN**

Southern District  
81 Main Street, Suite 300

David E. Patton  
*Executive Director  
and Attorney-in-Chief*

Via E-mail and ECF

The Honorable Vincent L. Briccetti  
District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

**APPLICATION GRANTED**

Sentencing is adjourned to **2/19/2021 at 11:30 a.m.** The proposed CARES Act findings are sufficient and counsel indicates that defendant will consent to a remote sentencing. Because defendant is housed at the Orange County Jail, which does not currently have the capacity to conduct a sentencing by video conference, the sentencing will be held by telephone conference. Defendant's sentencing submission due 2/5/2021. Government's submission due 2/12/2021.

**SO ORDERED:**



Vincent L. Briccetti, U.S.D.J. 1/8/2021

Re: United States v. Santos Alvarado  
19 Cr. 114-001(VB)

Dear Honorable Briccetti:

I am writing in regard to Mr. Alvarado's upcoming sentencing, which is currently scheduled to occur in person on January 26, 2021 at 3:00pm. In light of the COVID-19 pandemic and Judge McMahon's order regarding Court operations,<sup>1</sup> I am writing to ask that Mr. Alvarado be permitted to be sentenced remotely via videoconference or teleconference pursuant to Section 15002(b)(2)(A) of the Cares Act in mid to late February.

A remote plea is appropriate under the Cares Act because further delay would cause serious harm to the interests of justice. Mr. Alvarado has been in custody for 22 months and he is not facing a mandatory minimum. While Probation and the Government's Piementel letter call for a Guidelines Range of between 46 and 57 months, the defense believes that the applicable guidelines are between 24 and 30 months. Under these circumstances, delay could very well cause serious harm to the interest of justice as it could lead to unnecessary and prolonged incarceration for Mr. Alvarado.<sup>2</sup>

<sup>1</sup> See January 6, 2021 Order, available online:

[https://www.nysd.uscourts.gov/sites/default/files/2021-01/20-mc-622.1st.Am\\_Standings%20Order%20%28corrected%29%20Suspension%20of%20In-Person%20Operations.pdf](https://www.nysd.uscourts.gov/sites/default/files/2021-01/20-mc-622.1st.Am_Standings%20Order%20%28corrected%29%20Suspension%20of%20In-Person%20Operations.pdf)

<sup>2</sup> During a conversation on January 7, 2021, Mr. Alvarado told me that he consented to a remote sentencing in February or March.

In terms of scheduling, it is my understanding that February 19, 2021 at 11:30am is currently available for a remote sentencing in this case. I therefor ask that Your Honor please adjourn Mr. Alvarado's sentencing to February 19, 2021.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ben G", is positioned above the printed name of Benjamin Gold.

Benjamin Gold  
Assistant Federal Defender

cc: James Ligtenberg, A.U.S.A.  
James Mullen, U.S.P.O. Specialist  
Santos Alvarado